

REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

1. Summary of the Office Action.

Claims 1-20 were pending.

Claim 5 stands rejected under 35 U.S.C §112, second paragraph.

Claims 1-3, 5-14, and 16-20 stand rejected under 35 U.S.C §102(b) over Harris (US 2,378,847).

Claims 4 and 15 stand rejected under 35 U.S.C §103(a) over Harris (US 2,378,847).

2. Discussion.

Claim Rejection(s) - 35 USC §112, Second Paragraph

Claim 5 . This claim was rejected under 35 USC §112, second paragraph. The claim has been amended to correct a typographical error. The claim is believed to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Withdrawal of the rejection is requested.

Claim Rejection(s) - 35 USC §102-103

Claim 1. This claim was rejected under 35 USC § 102(b) as being anticipated by Harris. The claim is amended to patentably distinguish and limit over Harris by defining the harvester invention function whereby, when it is moving in a first direction, the body support element can be **moved relative to the support structure in a first direction to temporarily increase or decrease the speed of movement of the body support element.**

Applicant's harvester arrangement includes a body support element supported by a support structure which is movable relative to the support structure in the same direction as the overall direction of movement of the support structure. Consequently, the speed of movement of the body support element over the ground can be temporarily increased or reduced relative to the speed of movement of the support structure. As a result, picking or harvesting efficiency can be enhanced as the body support element can be moved relatively quickly over areas where there is little crop to be harvested, the body support element being moved over the ground at a slower speed where more crop requires harvesting.

This structure and function is not shown, suggested or made obvious by the applied art. In the **Harris** arrangement, the body support element cannot be driven relative to the support structure in the direction of movement of the support structure. Rather, it can only be driven vertically. There is thus no ability to increase or decrease the speed of the body support element over the ground to accommodate variations in crop density.

These differences are patentably significant because they relate directly to advantages and benefits of the invention. Applicant submits that this amendment clearly patentably avoids the applied art. Withdrawal of the rejection is requested.

Claim 16. This dependent claim also stands rejected under 35 USC 102 based on Harris. Applicant amended this claim to still further distinguish the invention over the applied art, specifically to define that the method of using the apparatus involves selectively moving the body support element to temporarily increase or decrease the speed of movement of the body support element. This structure and function is not shown, suggested or rendered obvious by Harris. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim 1 discussed above.

Claim 20. This claim is cancelled without prejudice to expedite prosecution of the case to finality.

Remaining Claims. The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

3. Conclusion.

The pending claims are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is in a condition for allowance. Reconsideration and favorable action are respectfully requested.

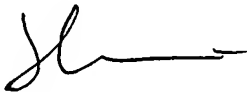
Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, s/he is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

| ANY FEES DUE ARE CALCULATED AS FOLLOWS: | <u>NUMBER</u> | <u>FEE</u> |
|---------------------------------------------------------------------------------|------------------------------|------------|
| TOTAL Claims Remaining over that Previously Paid: | None | \$0 |
| INDEPENDENT Claims Remaining over that Previously Paid: | None | \$0 |
| | SUM Claim Fees: | \$0 |
| EXTENSION Fees: | | \$0 |
| OTHER Fees: | | \$0 |
| | <u>TOTAL AMOUNT (if any)</u> | \$0 |
| <input type="checkbox"/> Paid by enclosed check. | | |
| <input type="checkbox"/> Paid by enclosed Credit Card Payment Form(s) PTO-2038. | | |

Respectfully submitted,



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